IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.15984 of 2007

Dated: October 6, 2007

Between:

Yadla Ramachandra Rao, S/o. Simhachalam,
Aged about 49 years, R/o.MIG-43, Marripalem,
VUDA Layout, Visakhapatnam-9.

… Petitioner

And

The District Registrar, Visakhapatnam District,
Visakhapatnam.

… Respondent

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondent in returning General Power of Attorney dated 26-04-1995 submitted by the petitioner for the purpose of validation under Section 19-A of the Indian Stamp Act (for short 'the Act') as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondent.

3. In the affidavit filed in support of the writ petition, it is stated that one Sri E. Pedda Sanyasi Rao and his sons executed General Power of Attorney dated 26-04-1995 in favour of the petitioner conferring on him the right to manage and sell property admeasuring Ac.5.90 cents in Sy.Nos.1/4 to 1/7 of Krishnarayapuram village, Pendurthy Mandal, Visakhapatnam District. At the time when G.P.A. was executed, the said village was within the jurisdiction of Sub-Registrar Office, Yanam and as such G.P.A. was registered vide Document No.11/1995. When the said village fell within the jurisdiction of Sub-Registrar Office, Visakhapatnam, petitioner submitted the said document to the first respondent for validation under Section 19-A of the Act. The grievance of the petitioner is that the said document has not been accepted without assigning any valid reason.

4. Respondent has filed counter affidavit stating that land in Sy.Nos.1/4 to 1/7 of Krishnarayapuram village was originally D-Form Patta lands. It is stated that the Revenue Divisional Officer, Visakhapatnam issued proceedings dated 20-01-2007 rectifying the defects and changed the classification of lands from 'D' form to Zeroithi, and the same are extracted as hereunder:

"Sl.No.1/4B	Ac.1.05 cents	Ryothwari Patta
Sl.No.2/5B	Ac.1.02 cents	Ryothwari Patta
Sl.No.1/6B	Ac.1.19 cents	Ryothwari Patta
Sl.No.1/7B	Ac.1.35 cents	Ryothwari Patta
Total	Ac.4.61 cents	

'D' Form Lands:

Sl.No.1/4A	Ac.0.45 cents	D Form Patta
Sl.No.1/5A	Ac.0.43 cents	D Form Patta
Sl.No.1/6A	Ac.0.31 cents	D Form Patta
Sl.No.1/7A	Ac.0.10 cents	D Form Patta

Total _____
Ac.1.29 cents
_____

It is stated that after the said rectification, 'D' Form Patta lands in Krishnarayapuram village are to an extent of Ac.1.29 cents. It is further stated that as much as the said lands have been classified as 'D' Form Patta lands, documents presented by the petitioner have not been accepted for registration.

5. In this case, it is to be noted that the document presented by the petitioner for validation is not alienation by itself. It is only a General Power of Attorney. Though there is a prohibition for registration of documents with regard to 'D' Form Patta lands in view of the provision under Section 22-A of the Registration (Andhra Pradesh Amendment) Act, 2006, however, it applies only to transactions relating to sale. Hence, the said objection cannot be the reason for not receiving the document presented by the petitioner for validation.

6. In the circumstances, I dispose of the writ petition directing the respondent to receive the document presented by the petitioner for validation without raising an objection on the ground that the lands in question are 'D' Form Patta lands. However, if there are any other objections for registering the said document, it is open for the respondent to make an endorsement to that effect, record reasons and communicate the same to the petitioner. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 6, 2007

MRR

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